

## CHAPTER NO. 691

## HOUSE BILL NO. 3360

By Representatives Sontany, Favors

Substituted for: Senate Bill No. 3602

By Senators Person, Haynes

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 3, relative to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-304(a)(2)(B), is amended by deleting the current language in its entirety and substituting in place thereof the following new language:

(B) Notwithstanding the provisions of subdivision (a)(2)(A), a hospital may not impose a charge on an indigent person for furnishing to such person, or such person's attorney or authorized representative, a health record or part thereof concerning such patient for the purpose of supporting a claim or appeal under any provision of the Social Security Act, if a request for the record or part thereof is accompanied by a copy of a recent application seeking benefits under the Social Security Act or a copy of a recent decision denying such benefits. Patients being represented by organizations whose purpose is to provide legal assistance to the indigent or represented by attorneys with an affiliated pro bono program shall be presumed indigent. A hospital may demand reasonable proof of indigency from any other patient not so represented, or such patient's attorney or authorized representative by submission of the following form:

## AFFIDAVIT OF INDIGENCY

I, \_\_\_\_\_, do solemnly swear or affirm under penalties of perjury, that owing to poverty, I am not able to bear the expense of the furnishing of my medical record(s), and that any future action will be filed with the \_\_\_\_\_ Court, along with a Pauper's Oath, pursuant to Tennessee Code Annotated, § 20-12-127.

I \_\_\_\_\_ am, \_\_\_\_\_ am not, represented by an attorney and this is my first request for any or all of my medical record(s).

\_\_\_\_\_  
Signature of Patient

Date: \_\_\_\_\_  
Birth Date: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_

State of Tennessee  
County of \_\_\_\_\_

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

By: \_\_\_\_\_  
Notary Public

If a copy of the patient's medical records has been previously provided without charge to an indigent patient, such patient's attorney or authorized representative, the hospital is not required to provide an additional copy of the same records without charge. A hospital shall furnish a health record requested pursuant to this section within thirty (30) days of the request.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.

**PASSED: May 3, 2006**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 18<sup>th</sup> day of May 2006**

  
PHIL BREDESEN, GOVERNOR